IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Crl.Rev.Pet.No. 744 of 1998()

CRA.64/1996 of ADDL.SESSIONS COURT, THODUPUZHA DT.31.8.98.
CC.4/1993 of JUDL. MAGI. OF FIRST CLASS-I THODUPUZHA.
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REVN. PETITIONERS: APPELLANTS/ ACCUSED
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1. RAJU, S/O.GOPALA PILLAI,
KALLIKADU, KULAMAVUKARA,
IDUKKI VILLAGE, THODUPUZHA.

2. VIKRAMAN, S/O.GOPALA PILLAI,
KALLIKADU, KULAMAVU KARA,
IDUKKI VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,C.S.MANILAL

RESPONDENTS: RESPONDENTS/ COMPLAINANT
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1. THE STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

2. THE FOREST RANGE OFFICER,
NAGARMPARA RANGE.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.744/1998

ORDER ON CRL.MP.3808/1998 IN CRL.RP.744/1998

DISMISSED

03.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

Crl. R.P. No.744 of 1998

Dated 3rd July, 2007

ORDER

Revision petitioners are the accused nos. 2 and 3 in C.C.No.4/93 in the court of JFCM-I, Thodupuzha with respect to the offence under sections 27(1)(g) and 2(c) of the Kerala Forest Act and stand convicted and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month each for each of the offences.

2. The prosecution case is that on 18-2-91 and within three days prior to that date, the accused trespassed into the reserve forest at Maruthumkanam bhagam in Vairamony beat inside the Nagarampara Range and Reserve, removed the outer layer of 3 Kulamavu trees costing Rs.250/- thereby sustaining a loss of Rs. 750/- to the Government. The evidence adduced in the matter consisted of the testimony of PWs 1 to 3 and Exts.P1 to P3.

3. Counsel for the revision petitioner has sought for

modification of the sentence pointing out that 18 years have elapsed since the commencement of the proceedings. So far, the accused were facing the criminal proceedings.

4. In the circumstances, I find that the sentence is liable to be modified. The sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.5000/- each for the offence under section 27(1)(g) and in default to undergo simple imprisonment for one month. No separate sentence is awarded for the offence under section 27(2)(c) of the Act.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO. 744 OF 1998

ORDER

3-7-2007.